IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.317 OF 2003
IN
SECOND APPEAL NO.390 OF 2004

Premanand Damodar Rupwate & Anr. ...Appellants
V/s.
Shrikrishna Narayan Dandavate & Ors. ...Respondents

Mr.S.D. Rupwate, Advocate, for the Appellants.
Mr.R.R. Salvi, Advocate, for Respondent Nos.1&2.

CORAM: B.H. MARLAPALLE, J.

Date : March 28, 2007.

P.C.:

. In this application filed by the Appellants-(Original Defendants) in Regular Civil Suit No.1037 of 1985, it is contended that the present Respondent Nos.1 & 2 are the sons of the Original Plaintiff and Respondent No.3 is his married daughter. Alongwith the Civil Application, registered Sale Deed dated 30.12.2006 is brought on record pointing out that the suit property has been sold by the present Respondent Nos.1 & 2 to M/s.Mayfair Arihant Associates, a partnership firm having its registered office at 2,

Maneek Hall, East Street, Camp, Pune. In the said Sale Deed it is also stated that the present Respondent No.3 Mrs.Leela Kamalakar Moghe has executed a registered Release Deed dated 05.10.1994 in favour of her two brothers i.e. Respondent Nos.1 & 2 and has released all her rights, title and interests in respect of her share in the suit property in favour of her two brothers and therefore the Sale Deed dated 30.12.2006 is in respect of the entire suit property by all the owners.

2. Mr.Salvi, learned counsel appearing for the Respondents, does not dispute the fact that the suit property has been sold by Sale Deed dated 30.12.2006 and it has been registered. The original Respondents have thus alienated their share in the suit property in its entirety.

3. This Civil Application has been filed to bring on record the successors of the Respondents and present owners of the suit property.

4. Hence Civil Application is allowed in terms of

prayer clause (b). Appeal Memo be amended forthwith. The Second Appeal does not survive against Respondent Nos.1 to 3 and in their place their successors namely M/s.Mayfair Arihant Associates through its partners Mr.Jatin Arvind Solanki and Mr.Irfan H. Shaikh shall be brought on record and the Appeal will survive only against these newly added Respondents.

(B.H. Marlapalle,J.)